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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,962	11/13/2003	Timothy Alan Dietz	AUS920030423US1	2898

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IBM CORPORATION  
PO BOX 12195  
DEPT YXSA, BLDG 002  
RESEARCH TRIANGLE PARK, NC 27709

EXAMINER

AIRAPETIAN, MILA

ART UNIT PAPER NUMBER

3625

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/713,962	<b>Applicant(s)</b> DIETZ ET AL.	
	<b>Examiner</b> Mila Airapetian	<b>Art Unit</b> 3625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 2, 6-8, 9, 13, 15-17, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karlovac et al. (US 6,983,236) in view of Vrhel et al. (US 6,598,223).**

#### **Claim 8.**

Karlovac et al. (Karlovac) teaches a computer-implemented method for system-constraint-based selection for design components, comprising:

prompting said purchaser to make a sequence of a plurality of interactive data entries on said display station defining the values of a respective set of attributes selected by said purchaser for each of said components (col. 6, lines 18-44);

searching on the Web for sources of components having attributes satisfying said defined values (col. 6, lines 18-44) ;

prompting said purchaser to make a sequence of interactive data entries on said display station, defining the values of a set of attributes selected by said purchaser for the overall computer system (col. 9, lines 9-29);

determining a computer system optimized to purchaser selected values of the attributes of each of said components from said Web sources reconciled with the attribute values selected by the purchaser for the overall computer system (col. 9, lines 9-29).

While Karlovac teaches a transaction engine to handle data and sales transactions, he does not explicitly teach offering said computer system for sale to said purchaser on said display station.

Vrhel et al. (Vrhel) teaches a method for installing and testing build-to-order components in a defined configuration computer system including offering said optimized computer system for sale to said purchaser on said display station (col. 7, lines 11-17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Abrahams to include offering said optimized computer system for sale to said purchaser on said display station, as disclosed in Vrhel, because it would advantageously allow the customer to make additions or changes to the ordered computer system without sacrificing the testing integrity of the defined configuration computer systems of the defined configuration manufacturing model (col. 5, lines 57-63).

**Claim 9.** Karlovac teaches said method wherein said purchaser is a manufacturer producing a quantity of offered computer systems and a quantity of each of said components is to be used in the manufacture of said quantity of said offered computer systems (col. 5, lines 64-67).

**Claim 13.** Karlovac teaches said method wherein at least one of said set of attributes for the overall computer system has values limited by overall resources available for the overall computer system (col. 6, lines 18-44; col. 9, lines 9-29).

**Claim 15.** Karlovac teaches said method wherein at least one of said set of attributes for at least one of said plurality of components has values limited by a quality of the supplier of said component (col. 6, lines 25-40).

**System claims 1, 2, 6 and 7** repeat the subject matter of method claims 8, 9, 13 and 15 respectively, as a set of apparatus elements rather than a series of steps. As the underlying processes of claims 8, 9, 13 and 15 have been shown to be fully disclosed by the teachings of Karlovac and Vrhel in the above rejections of claims 8, 9, 13 and 15, it is readily apparent that the system disclosed by Karlovac and Vrhel includes the apparatus to perform these functions. As such, these limitations are rejected for the same reasons given above for method claims 8, 9, 13 and 15, and incorporated herein.

**Claims 16, 17, 20 and 21** are rejected on the same rationale as set forth above in Claims 8, 9, 13 and 15.

**Claim 14 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Karlovac and Vrhel, as applied to claim 8, in view of Abrahams (US 6,618,714).**

**Claim 14.** The combination of Karlovac and Vrhel teaches all the limitations of claim 14 except displaying an alert to said purchaser when attribute values selected by said purchaser for components are not reconcilable with attribute values selected by said purchaser for the overall computer system.

Abrahams teaches a computer-implemented method for recommending electronic component connectivity configurations including displaying an alert to said purchaser when attribute values selected by said purchaser for components are not reconcilable with attribute values selected by said purchaser for the overall computer system (col. 13, lines 46-49).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Karlovac and Vrhel to include displaying an alert to said purchaser when attribute values selected by said purchaser for components are not reconcilable with attribute values selected by said purchaser for the overall computer system, as disclosed in Abrahams, because it would advantageously allow the user to determine the best combination of components, as well as appropriate component connectivity configuration, thereby avoiding possible mistakes, as specifically taught by Abrahams (col. 2, lines 29-36).

**Claim 22** is rejected on the same rationale as set forth above in Claim 14.

**Claims 3, 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Karlovac and Vrhel, as applied to claim 8, in view of Miller et al. (US 6,934,147).**

**Claim 10.** Karlovac and Vrhel teaches all the limitations of claim 10 except that at least one of said set of attributes for the overall computer system has values limited by industry standards.

Miller et al. (hereinafter Miller) teaches a bus assembly for switchgear conductors wherein a switchgear is mounted in a metal cabinet in compliance with electrical industry standards (col. 4, lines 63-64).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Karlovac and Vrhel to include that attributes has value limited by industry standards, as disclosed Miller, because it would ensure that the final product is in compliance with safety regulations.

**System claim 3** repeats the subject matter of method claims 10, as a set of apparatus elements rather than a series of steps. As the underlying processes of claim 10 have been shown to be fully disclosed by the teachings of Karlovac, Vrhel and Miller in the above rejections of claim 10, it is readily apparent that the system disclosed by Karlovac, Vrhel and Miller includes the apparatus to perform these functions. As such, these limitations are rejected for the same reasons given above for method claim 10, and incorporated herein.

**Claim 18** is rejected on the same rationale as set forth above in Claims 10.

**Claims 4, 5, 11, 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Karlovac and Vrhel, as applied to claim 8, and further in view of Blanko (US 5,839,575).**

**Claim 11.** Karlovac and Vrhel teaches all the limitations of claim 11 except that at least one of said set of attributes for the overall computer system has values limited by laws.

Blanko teaches a receptacle for flat articles, like floppy disks, compact disks wherein said receptacle complies with all environmental laws (col. 2, lines 11-12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Karlovac and Vrhel to include that said laws limiting said values are environmental laws, as disclosed in Blanko, because it would advantageously allow to ensure that the final product is in compliance with federal regulations.

**Claim 12.** The combination of Karlovac and Vrhel teaches all the limitations of claim 12 except that said laws limiting said values are environmental laws.

Blanko teaches a receptacle for flat articles, like floppy disks, compact disks wherein said receptacle complies with all environmental laws (col. 2, lines 11-12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Karlovac, and Vrhel to include that said laws limiting said values are environmental laws, as disclosed in Blanko, because it would



advantageously allow to ensure that the final product is in compliance with federal regulations.

**System claims 4 and 5** repeat the subject matter of method claims 11 and 12, as a set of apparatus elements rather than a series of steps. As the underlying processes of claims 11 and 12 have been shown to be fully disclosed by the teachings of Karlovac, Vrhel and Blanko in the above rejections of claim 11 and 12, it is readily apparent that the system disclosed by Karlovac, Vrhel and Blanko includes the apparatus to perform these functions. As such, these limitations are rejected for the same reasons given above for method claim 11 and 12, and incorporated herein.

**Claim 19** is rejected on the same rationale as set forth above in Claims 11.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground of rejection.

### ***Conclusion***

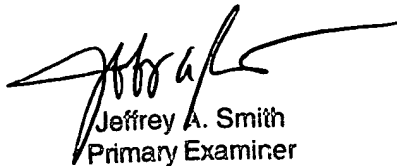
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mila Airapetian whose telephone number is (571) 272-3202. The examiner can normally be reached on Monday-Friday 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MA



Jeffrey A. Smith  
Primary Examiner